



# Rural Municipality of Vanscoy No. 345

## BYLAW NO. 2020-10

### A BYLAW TO PREVENT AND CONTROL CLUBROOT

**WHEREAS**, pursuant to 12 of *The Pest Control Act* a Council may pass a bylaw requiring every person owning, occupying or controlling land or premises in the municipality to control or destroy any pests on the land and premises;

**AND WHEREAS**, pursuant to section 8 of *The Municipalities Act* a Council may pass bylaws for municipal purposes respecting:

- a) the safety, health and welfare of people and the protection of people and property;
- b) the enforcement of bylaws; and
- c) providing for a system of licenses, inspections, permits or approvals.

**AND WHEREAS**, the Municipality supports the principle to control the spread of clubroot, which has been declared a pest under *The Pest Control Act*;

**NOW THEREFORE** the Council of the Rural Municipality of Vanscoy No. 345 in the Province of Saskatchewan, duly assembled, enacts as follows:

#### **PART I: INTERPRETATION AND DEFINITIONS**

**Short Title:**

1. This Bylaw may be cited as the "Clubroot Bylaw"

**Purpose:**

2. The purpose of this Bylaw is to establish the requirements for Clubroot reporting, notification, and management.

**Definitions:**

3. In this Bylaw:
  - a. "Bylaw Violation Notice" means a notice or similar document issued by the Municipality pursuant to *The Municipalities Act* for the purpose of notifying a Person that an offence has been committed for which a prosecution may follow;



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- b. "Chief Administrative Officer" means the Chief Administrative Officer of the Municipality or their delegate;
- c. "Clubroot" has the same meaning as in *The Pests Declaration Regulations*;
- d. "Clubroot Confirmation" means the confirmation of Clubroot in accordance with Part III of this Bylaw;
- e. "Clubroot Management Agreement" means an agreement between an Owner and/or Occupant, Agrologist, and the Officer to help reduce or keep pathogen levels low and minimize yield losses due to Clubroot;
- f. "Clubroot Prevention Plan" means an agreement between a Person who has not entered into a Clubroot Management Agreement, and an Officer, for the purpose of setting the terms, conditions, and restrictions to entering lands with Clubroot Confirmation;
- g. "Council" means the Council of the Municipality;
- h. "Designated Officer" has the same meaning as in *The Municipalities Act* and includes an Officer;
- i. "Municipality" means the Rural Municipality of Vanscoy No. 345;
- j. "Occupant" has the same meaning as in *The Municipalities Act*;
- k. "Officer" has the same meaning as in *The Pest Control Act*;
- l. "Owner" has the same meaning as in *The Municipalities Act*;
- m. "Peace Officer" means a bylaw enforcement officer appointed pursuant to section 373 of *The Municipalities Act*, any member of the Royal Canadian Mounted Police, and any member of the Vanscoy Police Service;
- n. "Person" means any individual, firm, partnership, association, corporation, trustee, executor, administrator or other legal representative;
- o. "Summary Offence Ticket" has the same meaning as in the *Summary Offences Procedure Act*.



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### **PART II: CLUBROOT REPORTING AND NOTIFICATION**

4. Upon the identification or suspected identification of Clubroot an Owner or Occupant shall immediately notify the Municipality of the exact location of the pest or suspected pest.
5. Notification pursuant to section 4 shall be in writing in a form approved by the Chief Administrative Officer and submitted to the office of the Municipality.

### **PART III: CLUBROOT CONFIRMATION**

6. Subject to section 7, Clubroot is confirmed on lands when disease symptoms are observed in a susceptible crop.
7. Where the Officer determines that detection of the Clubroot pathogen's DNA in a plant or soil sample would be beneficial to support the clubroot confirmation, the Officer may proceed to take samples and to submit them for laboratory testing.

### **PART IV: CLUBROOT MANAGEMENT**

8. Every Owner and Occupant of any land where there has been Clubroot Confirmation shall, within 30 days of confirmation:
  - a. develop a Clubroot Management Agreement:
    - i. in a form approved by the Municipality;
    - ii. with the assistance of an agrologist currently practicing with the Saskatchewan Institute of Agrologists;
    - iii. meeting the minimum requirements of the Saskatchewan Clubroot Management Plan;
    - iv. including actions to manage and prevent the spread of Clubroot; and
    - v. including anything else as required by the Officer;
  - b. provide the Officer with the Clubroot Management Agreement.
9. No Owner or Occupant shall fail to provide, to the satisfaction of the Officer, a Clubroot Management Agreement as required in section 8.



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10. No Owner or Occupant shall fail to carry out the actions to manage and prevent the spread of Clubroot as outlined in an approved Clubroot Management Plan.

### **PART V: CLUBROOT PREVENTION**

11. Every Person shall take adequate means to prevent the spread of Clubroot including, but not limited to, following the protocols outlined by the Canola Council of Canada.
12. No Person shall access any lands with Clubroot Confirmation without entering into a Clubroot Prevention Plan with the Officer.
13. No Person shall fail to comply with the terms or conditions of a Clubroot Prevention Plan.

### **PART VI: OFFICER AUTHORITY**

14. Without restricting any other power, duty or function granted under this Bylaw, the Officer may:
  - a. carry out inspections, including entering onto lands in accordance with section 17 of *The Pest Control Act*;
  - b. enforce, investigate and deal with complaints in accordance with section 18 of *The Pest Control Act*;
  - c. issue orders pursuant to section 19 of *The Pest Control Act*;
  - d. carry out work and recover expenses pursuant to section 21 of *The Pest Control Act*; and
  - e. take any steps or carry out any actions required to enforce this Bylaw or *The Pest Control Act*.

### **PART VII: ENFORCEMENT**

#### **Vicarious Liability:**

15. For the purposes of this Bylaw, an act or omission by an employee or agent of a Person is deemed also to be an act or omission of the Person if the act or omission occurred in the course of the employee's employment with the Person, or in the course of the agent



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exercising the powers or performing the duties on behalf of the Person under their agency relationship.

### **Corporations and Partnerships:**

16. When a corporation commits an offence under this Bylaw, every principal, director, manager, employee or agent of the corporation who authorized the act or omission that constitutes the offence or assented to or acquiesced or participated in the act or omission that constitutes the offence is guilty of the offence whether or not the corporation has been prosecuted for the offence.
17. If a partner in a partnership is guilty of an offence under this Bylaw, each partner in that partnership who authorized the act or omission that constitutes the offence or assented to or acquiesced or participated in the act or omission that constitutes the offence is guilty of the offence.

### **Offences and Penalties:**

18. No Person shall:
  - a. fail to comply with an order made pursuant to *The Municipalities Act* or *The Pest Control Act*;
  - b. obstruct, hinder or impede any Officer, Designated Officer, or municipal employee, contractor or agent in the exercise of any of their powers or duties under this Bylaw;
  - c. fail to comply with any provision of this Bylaw.
19. A Person who is guilty of an offence is liable to a fine in an amount not less than that established in Schedule "A" and not exceeding \$10,000 in the case of an individual and \$25,000 in the case of a corporation.
20. Where a Designated Officer has reason to believe a person has contravened any provision of this Bylaw the designated officer may issue a Bylaw Violation Notice.
21. The Bylaw Violation Notice shall be served:
  - a. Either personally; or
  - b. By mailing a copy, via registered mail, to such Person at their last known address.



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22. The Bylaw Violation Notice shall be in a form approved by the Chief Administrative Officer and shall state:
- the name of the Person to whom the Bylaw Violation Notice is issued;
  - particulars of the contravention under this Bylaw;
  - the specified penalty for the offence as set out in Schedule "A" herein;
  - that the specified penalty shall be paid within thirty (30) days of the issuance of the Bylaw Violation Notice in order to avoid prosecution; and
  - any other information as may be required by the Chief Administrative Officer.
23. Where a Bylaw Violation Notice has been issued pursuant to this Bylaw, the Person whom the Bylaw Violation Notice is issued may, in lieu of being prosecuted for the offence, pay to the Municipality the penalty specified within the time period indicated on the Bylaw Violation Notice.
24. If a Bylaw Violation Notice has been issued and the specified penalty on the Bylaw Violation Notice has not been paid within the prescribed time, a Peace Officer may issue a Summary Offence Ticket to the Person to whom the Bylaw Violation Notice was issued.
25. Notwithstanding the above, a Peace Officer is hereby authorized to immediately issue a Summary Offence Ticket to any Person whom the Peace Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.
26. If a Summary Offence Ticket is issued in respect of an offence, the Summary Offence Ticket may:
- state the specified penalty for the offence as set out in Schedule "A" herein; or
  - require a Person to appear in Provincial Court without the alternative of making a voluntary payment.
27. A Person who commits an offence may:
- if a Summary Offence Ticket is issued in respect of the offence; and
  - if the Summary Offence Ticket states the specified penalty established by this Bylaw for the offence, as set out in Schedule "A" herein;



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make a voluntary payment by submitting to a Clerk of the Provincial Court, on or before the initial appearance date indicated on the Summary Offence Ticket, the specified penalty set out on the Summary Offence Ticket.

28. When a Clerk of the Provincial Court records the receipt of a voluntary payment pursuant to section 27 and the *Summary Offences Procedure Act*, the act of recording constitutes acceptance of the guilty plea and also constitutes a conviction and the imposition of a fine in the amount of the specified penalty.


### PART VIII: COMING INTO FORCE

29. Bylaw No. 1-2012 is hereby repealed.

30. This Bylaw shall come into force and take effect upon Third and Final Reading.



  
Deputy Reeve

  
Acting Administrator



Certified a True Copy  
of Bylaw 2020-10  
Passed by Council on  
September 17, 2020





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### Schedule "A"

Section	Offence	Specified Penalty
		[RM to Insert Amounts]